

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

In re Juniper Networks, Inc. Securities  
Litigation

NO. C 06-04327 JW

**ORDER VACATING CASE  
MANAGEMENT CONFERENCE;  
SETTING BRIEFING SCHEDULE FOR  
CLASS CERTIFICATION; DENYING  
MOTION FOR SUMMARY JUDGMENT  
AS PREMATURE**

On February 9, 2009, the parties are scheduled to appear for a Case Management Conference. The parties timely filed a Joint Case Management Statement. (Docket Item No. 187.)

In their Joint Statement, the parties represent that Plaintiffs are prepared to file a Motion for Class Certification on or before March 2, 2009. The parties request that the Court allow for an extended briefing schedule, so that the parties may conduct discovery before filing opposition and reply briefs to Plaintiffs' anticipated motion. In the interest of advancing this litigation, however, the Court is not inclined to permit the type of open-ended schedule proposed by the parties. Accordingly, the Court orders the parties to adhere to the following briefing schedule for Plaintiffs' anticipated Motion for Class Certification:

- (1) On or before **March 2, 2009**, Plaintiffs shall file their Motion for Class Certification.
- (2) On or before **May 1, 2009**, Defendants shall file their Opposition to class certification.
- (3) On or before **June 15, 2009**, Plaintiffs shall file their Reply in support of class certification.


1 (4) On **June 29, 2009 at 9:00 a.m.**, the parties shall appear for a hearing on Plaintiffs'  
2 Motion for Class Certification.

3 Following submission of the parties' Joint Statement, Plaintiffs submitted a Supplementary  
4 Case Management Statement (Docket Item No. 188), in which they object to the timeliness of a  
5 Motion for Summary Judgment, filed by Defendants on January 23, 2009, and noticed for hearing on  
6 March 16, 2009. (See Docket Item No. 183.) Defendants filed a Response to Plaintiffs'  
7 Supplementary Statement. (Docket Item No. 191.)

8 Upon consideration of the status of this action, in which the deadline for fact discovery is set  
9 for December 1, 2009, the Court finds that Defendants' Motion for Summary Judgment is  
10 premature. If Defendants seek to defeat Plaintiffs' claims on the basis of loss causation, Defendants  
11 will have opportunities to advance such arguments after the completion of discovery. At the very  
12 least, Defendants must refrain from raising loss causation issues until the class certification stage,  
13 when they may seek to limit the scope of any class that the Court may certify. Accordingly,  
14 Defendants' Motion for Summary Judgment is DENIED as premature, without prejudice to be  
15 renewed following discovery.

16 In light of this Order, the Court finds that a Case Management Conference is unnecessary at  
17 this time. Accordingly, the Court VACATES the February 9, 2009 Case Management Conference.

18  
19 Dated: February 4, 2009

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge

**THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

Alfred Glenn Yates yateslaw@aol.com  
Barbara J. Hart bhart@lowey.com  
Crystal Mothershead Gaudette cgaudette@wsgr.com  
David C. Harrison dharrison@ldbs.com  
David Michael Friedman david.friedman@lw.com  
James Neil Kramer jkramer@orrick.com  
Jason T. Baker jbaker@alexanderlaw.com  
Jonathan Acker Shapiro jonathan.shapiro@wilmerhale.com  
Joni L. Ostler jostler@wsgr.com  
Joseph M. Barton joebartonesq@gmail.com  
Mark Cotten Molumphy mmolumphy@cpmlegal.com  
Melinda Haag mhaag@orrick.com  
Michael M. Goldberg info@glancylaw.com  
Mozhgan Saniefar msaniefar@orrick.com  
Patrice L. Bishop service@ssbla.com  
Patrick Edward Gibbs patrick.gibbs@lw.com  
Peter Allen Wald peter.wald@lw.com  
Peter Arthur Binkow info@glancylaw.com  
Rebecca Felice Lubens rlubens@orrick.com  
Reed R. Kathrein reed@hbsslaw.com  
Richard Bemporad rbemporad@lowey.com  
Richard W. Cohen rcohen@lowey.com  
Robert C. Schubert rschubert@schubertlawfirm.com  
Steven Guggenheim sguggenheim@wsgr.com  
Viviann C Stapp viviann.stapp@lw.com  
Willem F. Jonckheer wjonckheer@schubert-reed.com  
William M. Audet waudet@audetlaw.com

**Dated: February 4, 2009**

**Richard W. Wieking, Clerk**

By: /s/ JW Chambers  
**Elizabeth Garcia**  
**Courtroom Deputy**